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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,938	11/05/2003	James Edward Akins	30690/38452	7130
4743	7590	06/01/2005		EXAMINER
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			LAI, ANNE VIET NGA	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/701,938	AKINS, JAMES EDWARD
	<b>Examiner</b>	<b>Art Unit</b>
	Anne V. Lai	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 05 November 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.                    4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. Claim 26 is objected to because of the following informalities: the word "stop" in claim 26 has no antecedent basis, may be a typing error, suggest change to – step --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 20, 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stis** [US. 2004/0113781].

In claims 1 and 20, **Stis** discloses a prescreening device for supporting a metal detector comprising: a top panel and a plurality of sidewalls defined an interior compartment containing within a metal detector for detecting the presence of metal placed in proximity to the top panel (platform 10; figs. 1-4).

In claims 2-5, **Stis** discloses the top panel is made of material not detectable by the metal detector [0049]; the platform 10 is rectangular in shape (figs. 1-4); the top panel includes a visual cue (indication means; [0019]); the sidewalls comprise a bottom portion adapted to support the apparatus (160; fig. 4).

In claims 23-26, **Stis** discloses a method of prescreening individuals at a security station as claimed (fig. 5; claim 9).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-10, 12-13, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Stis**.

In claims 9-10, 12 and 16, the prescreening device of **Stis** further comprises a display unit connected with the detector to display information (28, 128; figs. 1-2, 5); although the display stand is not disclosed, it would have been obvious to one having ordinary skill in the art at the time the invention was made, a display can be mounted at a place of choice by user, such as on the rail 134 (fig. 4) interconnected to the top panel and the sidewalls of the platform 10 of **Stis**.

In claim 13, **Stis** discloses the visual cue ([0019]; claim 9c).

In claim 17, **Stis** discloses detect the presence of a contraband carried by a shoe placed on the top panel [0013].

6. Claims 6, 14, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Stis** in view of incorporated reference of **Rodriguez** [US. 5,039,981].

In claims 6, 14, 18 and 21, **Stis** fail to disclose the metal detector support is movable; **Rodriguez** teaches the detector's position relative to the top panel's height

level is critical for the sensitivity of the detector (col. 3, line 33 – col. 4, line 2); It would have been obvious to one having ordinary skill in the art at the time the invention was made implementing a movable support would facilitate the calibration of the detecting system and therefore optimize the sensitivity of the system.

7. Claims 7-8 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable by **Stis and Rodriguez** in view of **D'Anka** [US. 3,059,780].

In claim 7, **Stis** fails to disclose aperture on the sidewalls, **D'Anka** teaches a support comprising apertures on the opposite sidewalls with a beam sized to extend between the apertures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the support of **D'Anka** to **Stis** metal detector support to facilitate adjusting the position of the detector therefore optimize the sensitivity of the detecting system.

In claim 8, **D'Anka** support shows access to allow passage of an object.

In claim 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made a detector can be small in size and can be attached to a structure by an elastic band.

8. Claims 11, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Stis and Rodriguez** in view of **Sillmunkes** [US. 4,400,002].

In claims 11, 15 and 22, **Rodriguez** shows in figure 3 a top panel with inclines at the two sides (see the hatched portion of 34); **Sillmunkes** teaches a mounting step structure comprises an inclined surface to prevent mud or dirt from being carried over to the other side. It would have been obvious to one having ordinary skill in the art at the

time the invention was made to implement a top panel with rearward portion lower than the forward portion for preventing dirt from being carried to the other side.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Karmi et al** disclose threat screening of step-on or laid-on items. [US. 2004/0222790] (7/18/2003).

**Candelore et al** disclose hands-free metal detector. [US. 2004/0178789] (3/14/2003).

**Nelson** discloses wide area metal detection for security screening crowds. [US. 2003/0080868]

**Brestel et al** disclose controlled substance detection and identification (fig. 56B, shoes scanning). [US. 2004/0051867] (9/12/2002).

**Peakock** discloses sandwich panel structures for supporting shelves. [US. 3,844,231]

**Brinn** discloses Magshoe, 10/31/2004. [www.isreal21c.org](http://www.isreal21c.org).

**Magshoe**, press release, 10/31/2004.

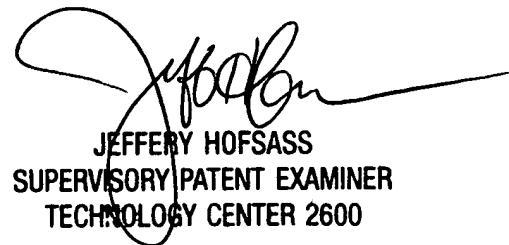
<http://www.terminalsecurity.info/page.cfm/T=m/Action=Press/PressID=44>.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ml*  
A. V. Lai  
May 27, 2005



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